

**CITY OF BARDSTOWN
REGULAR COUNCIL MEETING MINUTES
4-27-10
7:00 P.M.**

The City Council met in a regular session in the Council Chambers with Mayor J. Richard Heaton and the following Councilmen:

Councilman Reed
Councilman Williams
Councilman Lydian
Councilman Sheckles
Councilman Royalty
Councilman Simpson

Others present: Police Chief Marksbury, Asst. City Administrator Green, Public Works and Engineering Director Hamilton, City Electrical Engineer Mills, City Attorney Donan, HRB Administrator Pen Bogert, City Clerk Blincoe, WBRT/WOKH reporter Fred Hagan, PLG-TV News Director Tom Isaac, Smoke-free Coalition member Pat Whelan, Richard Nest, Everett Jones, Neal Cook and Bruce Reynolds.

Mayor Heaton called the meeting to order.

BOND ISSUE/BOND COUNSELING SERVICES

Chief Financial Officer Abell updated the Council on the bond issue and reported that the City could possibly save approximately \$70,000.00 per year over a ten-year period even after fees are calculated. He recommended approval of the agreements with Hilliard Lyons for the bond issue with a fee of \$4.50 per \$1,000 issuance of Bonds of up to \$20,000,000 with the fee not to exceed \$82,500 and Stoll-Keenon-Ogden for the bond counseling services with a fee of 0.5% of the Bond issue principal amount not to exceed \$70,000 plus expenses of an estimated \$700. **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO EXECUTE THE AGREEMENTS WITH HILLIARD LYONS AND STOLL-KEENON-OGDEN.** Representatives from both firms will attend the next Council Working Session on May 4, 2010 to discuss further details.

BID TAB - DOWNTOWN STREETScape PROJECT

Public Works and Engineering Director Hamilton summarized the bids received on the project for the renovation of the downtown streets and sidewalks. He said that the apparent low bidder was T & C Contracting from Louisville in the amount of \$2,999,228.10 and the second low bid was from Charles DeWeese Construction in the amount of \$3,065,520.45. All six bids have been taken to the state for review by the Kentucky Transportation Cabinet and the Federal Highway Administration. The funding ratio will be an 80/20 match. A written recommendation will be presented to the Council possibly at the next Council meeting.

NEIGHBORHOOD STABILIZATION PROJECT BIDS

Assistant City Administrator Green presented the bid tab for the rehabilitation of two foreclosed houses purchased by the City as follows:

City of Bardstown	April 27, 2010		
NSP Rehab Bid Tab			
Address	Wright's Home Improvements	BCD Construction	Workman Construction
136 Valley View Drive	\$28,990.00	\$29,579.00	\$22,350.00
113 Owings Blvd.	\$18,765.00	\$19,784.00	\$16,050.00

The low bid of \$22,350.00 was received from Workman Construction, London, Kentucky, for the house located at 136 Valley View and the low bid of \$16,050.00 was received from Workman Construction for the house located at 113 Owings Boulevard. He explained that the bid would be approved by the state. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE MAYOR WAS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH WORKMAN CONSTRUCTION FOR THE TWO REHABILITATION PROJECTS CONTINGENT UPON INSURANCE DOCUMENTATION AND STATE APPROVAL.**

HISTORICAL REVIEW BOARD RECOMMENDATIONS

The recommendations were presented as follows:

A. Certificates of Appropriateness

1. COA #10-16 [RECOMMENDED]

Parrish Family Enterprises LLC (Don Parrish) has proposed the following external alterations to the Sunbeam Laundry building at 103 W. Muir Ave.: Repair the roof; add half-round gutters and round downspouts at the rear corners of the building; repaint the exterior the same color; reglaze the windows; repair the masonry; lower the concrete block sides three courses to the original roofline to provide for adequate drainage; and lower the modern shed roof addition at the rear. The parapet will not be altered; the change in height of the sides will not be very noticeable from the front; the existing "Sunbeam Laundry" sign will be retained or repainted.

Recommendation: To recommend approval of the exterior alterations at 103 W. Muir Ave., as specified in this application.

2. COA #10-17 [RECOMMENDED]

Gregory E. Smith, 101 W. Stephen Foster Ave., proposes to change the signage on the front of the building to "GS Computing Solutions LLC" and "Demaree & Hubbard," replacing existing signs on the signboards by the front door. The signs have navy blue lettering on a gray background.

Recommendation: To recommend approval of the two proposed signs on the front of 101 W. Stephen Foster Ave., as specified in this application.

3. COA #10-18 [RECOMMENDED]

James LeMaster, owner of JT's Consignments at 222 N. Third St., proposes to erect a 36" x 48" aluminum-faced hanging sign ("JT's Consignments") on the left side of the front of the building. The sign will be mounted with black pipe and cables (see photo) and the colors will be burgundy, navy blue (to match the awning), and beige. The existing blue and white flush-mounted sign will be removed.

Recommendation: To recommend approval of the proposed hanging sign, and removal of the present flush-mounted sign, at 222 N. Third St., as specified in this application.

4. COA #10-19 [RECOMMENDED]

Tammi Whitney, owner of Pretty Woman LLC at 97 W. Flaget Ave., proposes to erect a 36" x 48" aluminum-coated plywood sign on an existing hanger (formerly Sissy & the Boyz). The sign will feature a pink and black logo on a white background.

Recommendation: To recommend approval of the proposed hanging sign at 97 W. Flaget Ave., as specified in this application.

5. COA #10-20 [RECOMMENDED]

Around the Town Carriage (Everett Jones) has requested approval to permanently place a visual element consisting of two fiberglass horses, including the attached white vinyl fence (see photo) at the front of their location at 223 N. Third St.

Recommendation: To recommend approval of the permanent placement of a visual element consisting of two fiberglass horses surrounded by a white vinyl fence, in front of 223 N. Third St., as specified in this application.

6. COA #10-21 [RECOMMENDED]

NTSJ Restorations had exterior colors approved for their residence at 113 S. Third St. on December 14, 2009 (COA #09-52a). They now wish to submit an application for new colors to replace those already approved. The new color choices – all Porter Paint - are: 412-3 (body, including foundation and fishscale shingles, 515-3 (trim), and 411-4 (shutters). They also request approval to remove a large magnolia tree on the north side and replace it with an ornamental flowering tree that does not block the house.

Recommendation: To recommend approval of the proposed exterior paint colors at 113 S. Third St., as specified in this application.

7. COA #10-22 [RECOMMENDED]

Carly and Scott Dennison have proposed the following site alterations and exterior alterations to their residence at 114 S. Third St.: paint the beadboard porch roof ceiling black to match the front door; add matching black wrought iron fencing with two gates to completely enclose their yard (see photos and catalog sample). If possible, the new gates and fence will be made by Stewart Iron Works Co., which is the same company that manufactured their fence in the early 1900s.

Recommendation: To recommend approval of the installation of black wrought iron fencing and two gates at 114 S. Third St., as specified in this application.

8. COA #09-07 (amended) [RECOMMENDED]

JTD Holdings LLC, 213 W. Broadway, has submitted a landscaping plan for the area between the restored stone wall and E. Broadway (east of 208 E. Broadway). The plan calls for planting 9 hydrangeas, 1 Kousa Dogwood, and replacing a Serviceberry tree that was moved.

Recommendation: To recommend approval of the proposed site alterations in the City right-of-way east of 208 E. Broadway, as specified in this application.

B. Streetscape, Phase II [RECOMMENDED]

1. Review of bricks to be used in sidewalks and courthouse square areas.
2. Review of final landscaping plan for Old Courthouse Building.

Recommendation: To recommend approval of the final landscaping plan for the Old Courthouse Bldg, as specified in this application; to recommend approval of the following types of bricks to be used in Phase I and II of the Streetscape Project: Pine Hall English Edge F/5 4" x 8" or Boral Bourbon Street Beveled.

C. Staff Approvals [AFFIRMED]

1. 117 N. Third St. (Jack & Jill Children's Boutique)

Replacement of awning fringe so that old lettering will not bleed through. Material and sign color will be unchanged.

2. 321 W. Stephen Foster Ave.

Construction of a black metal handrail in the center of the concrete porch steps.

3. Northeast corner of N. Fifth St. & W. Stephen Foster Ave. (City Market and Healthy Lifestyles)

Healthy Lifestyles has moved and the owner would like to paint their door the same color as the adjoining doors (see photo).

4. Bardstown Baptist Church

Two dark brown 500-watt spotlights will be installed for the new monument sign. They will be angled away from the street, will illuminate only the sign, and will be just above ground level (see catalog copy).

6. 226 N. Third St. [formerly Travel II]

The HRB in December recommended color choices for repainting the exterior, except that the trim color was left for staff approval. Staff approved Benjamin Moore Cloud White (#OC-130).

7. 216 E. Flaget Ave. (Lanny Baker)

Staff approval given to paint the existing white front door either dark green or black. These are appropriate historic colors for the period of this house.

Pen Bogert, for Don Parrish, Chair of the Bardstown Historical Review Board

Councilmen Sheckles, Reed and Royalty had questions on Item No. 5 from Around the Town Carriage for two fiberglass horses and an attached vinyl fence. One of the concerns expressed was that an approval would set a precedent that others would follow. Mayor Heaton said that such decisions were made on a case-by-case basis within the Historic District. A short discussion followed in which Councilman Reed asked why vinyl fencing was allowed in item #5 and it was not allowed at other properties. Councilman Simpson said that he thought the fence went along with the fiberglass horses and the business location. Councilman Reed wanted to know the dimensions of the display prior to voting. **UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 4 TO 2, THE HISTORICAL REVIEW BOARD RECOMMENDATIONS ON ITEMS 1 THROUGH 8 WERE APPROVED. COUNCILMAN REED AND COUNCILMAN ROYALTY VOTED NO.**

SECOND READING--REZONING #2333 - BARDSTOWN MILLS, INC.

A second reading of the ordinance was presented as follows:

ORDINANCE NO. B2010-07

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED ZONING MAP, ENTITLED, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN, AND NELSON COUNTY, KENTUCKY" BY CHANGING THE DISTRICT CLASSIFICATION OF THE PROPERTY LOCATED IN BARDSTOWN, KENTUCKY, AS HEREINAFTER DESCRIBED FROM I-2, HEAVY INDUSTRIAL DISTRICT TO B-4, GENERAL BUSINESS DISTRICT.

WHEREAS, the Joint City-County Planning Commission of Nelson County, Kentucky, on March 9, 2010, held a public hearing on the Application No. 2333 of Bardstown Mills, Inc. to rezone 1.38 acres (portion of Revised Tract #2, Amended BIDC Industrial Park Division) at the northeast corner of West John Rowan Boulevard (KY 245) and Withrow Court and approximately 0.20 mile west of Nutter Drive from I-2, Heavy Industrial District, to B-4, General Business District.

WHEREAS, the City Council members conducted a review of the record and evidence presented before the Joint City-County Planning Commission of Nelson County, Kentucky; and

UPON MOTION OF Councilman Williams, duly seconded by Councilman Simpson and carried, the City Council approved the recommendation stated from the Planning and Zoning Commission to approve the rezoning request.

NOW THEREFORE, be it ordained by the Bardstown City Council that:

Boundaries of the district as shown on district map, entitled, "ZONING MAP, CITIES OF BARDSTOWN, BLOOMFIELD, FAIRFIELD, NEW HAVEN AND NELSON COUNTY, KENTUCKY" are hereby amended for reasons adopted and all of which are made a part hereof as if fully set out herein, including the letter of recommendation dated March 29, 2010, from the said Joint City-County Planning Commission of Nelson County to the Bardstown City Council and the property is described as follows:

"Beginning at a point, on the north r/w line of West John Rowan Blvd. and 30 ft. from the center of Withrow Court; thence with Withrow Court N 35-44-57 E 96.08 ft.; N 34-58-16 W 106.54 ft.; N 36-02-40 E 104.80 ft. to a point, 30 ft. from the center of Withrow Court, corner to Bardstown Mills, Inc.; thence with Bardstown Mills, Inc. S 53-57-20 E 195.22 ft.; S 36-09-29 W 310.00 ft. to a point, corner to Bardstown Mills, Inc., on the north r/w line of West John Rowan Blvd.; thence with said r/w line N 53-50-31 E 115.90 ft.; N 56-08-13 W 76.25 ft. to the point of beginning containing 1.38 acres."

This ordinance shall be in full force and effect following publication as required by law.

This ordinance or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

A summary of this ordinance shall be published according to KRS 83A.060.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN SIMPSON, THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN REED	-	AYE
COUNCILMAN WILLIAMS	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN SHECKLES	-	AYE
COUNCILMAN ROYALTY	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR HEATON DECLARED ORDINANCE NO. B2010-07 ADOPTED AND BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

DEVELOPMENT REVIEW BOARD RECOMMENDATIONS

A recommendation for approval on DRB-158 from Susan Elmore for five mini warehouse buildings totaling 15,600 square feet on the east side of Ben Frye Avenue was presented. UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED WITH THE FOLLOWING WAIVER: 1. THE REQUESTED PARKING WAIVER IS GRANTED TO ALLOW MORE THAN 60 PERCENT OF THE REQUIRED PARKING BETWEEN THE BUILDING ELEVATIONS AND ROADWAYS AND TO NOT ALLOW ANY ADDITIONAL BERMING OR LANDSCAPING.

A recommendation for approval on DRB-159 from Bardstown Mills for a 14,450 square foot retail building on the northeast corner of KY 245 and Withrow Court was then presented. UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN WILLIAMS AND CARRIED BY A VOTE OF 6 TO 0, THE RECOMMENDATION FROM THE DEVELOPMENT REVIEW BOARD WAS APPROVED WITH THE FOLLOWING WAIVER: 1. THE REQUESTED PARKING WAIVER IS GRANTED TO ALLOW MORE THAN 60 PERCENT OF THE REQUIRED PARKING BETWEEN THE BUILDING ELEVATIONS AND ROADWAYS AND TO NOT ALLOW ANY ADDITIONAL BERMING OR LANDSCAPING; AND ALSO, 2. THREE (3) ADDITIONAL CANOPY TREES MUST BE PLANTED ALONG THE KY 245 FRONT YARD; AND, 3. THE SOUTH BUILDING ELEVATION MUST HAVE A GABLE PORTICO SIMILAR TO THE WEST ELEVATION.

MINUTES

The minutes from the 4-13-10 regular City Council meeting and minutes from the 4-21-10 special City Council meeting were then presented and UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, THEY WERE APPROVED.

FINANCIAL REPORT

Chief Financial Officer Abell updated the Council on budget matters and announced that the City would meet the budget for the year. All General Fund Departments have been doing a good job of holding down expenditures. The budget forms and instructions for FY 2011 were sent to the Department Heads on April 22nd. The CFO reported that a budget amendment would be needed and recommended that it be delayed until after the Streetscape, water plant and any other construction project's bids are opened since they might also require budget amendments. The budget should be available for Council review by the end of May or first of June. Mayor Heaton complimented the Finance Department personnel for their forecasting skills and hard work.

MUNICIPAL ORDER NO. 2010-20-HOMELAND SECURITY GRANT

Police Chief Marksbury spoke to the Council regarding the following resolution/Municipal Order No. 2010-20:

MUNICIPAL ORDER NO. 2010-20

RESOLUTION City of Bardstown

A RESOLUTION OF THE CITY OF BARDSTOWN, KENTUCKY AUTHORIZING THE MAYOR TO MAKE APPLICATION FOR AND, UPON APPROVAL, TO ENTER INTO AN AGREEMENT WITH THE KENTUCKY OFFICE OF HOMELAND SECURITY (KOHS), TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY KOHS TO FACILITATE AND ADMINISTER THE PROJECT AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.

WHEREAS, the City of Bardstown, Kentucky desires to make an application for United States Department of Homeland Security and/or Commonwealth of Kentucky funds for a project to be administered by the Kentucky Office of Homeland Security;

WHEREAS, it is recognized that an application for and approval of Kentucky Office of Homeland Security funds impose certain obligations and responsibilities upon the City;

NOW, THEREFORE, be it resolved this 27th day of April 2010, by the City of Bardstown, Kentucky:

The Mayor is hereby authorized to execute and furnish all required documentation, including a memorandum of agreement, as may be required by KOHS for the furtherance of the above referenced project and to act as the authorized correspondent for said project.

UPON MOTION OF COUNCILMAN WILLIAMS, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, MUNICIPAL ORDER NO. 2010-20 WAS APPROVED.

VANDALISM

The Police Chief reported on a rash of graffiti that has appeared in Bardstown and throughout the County. Lately, structures in places like Dean Watts Park and Bloomfield Middle School have been spray painted with the letters "FSU". The investigation is ongoing.

ENGINEER POSITION

Assistant City Administrator Green reported that interviews were being conducted for the City Civil Engineer position and a decision could possibly be made by the middle of May so that the selected person will have time to work with George Greenwell before he retires.

CABLE TV REPORT

City Electrical Engineer Mills reported that he would be sending a letter to the HD Extreme subscribers regarding the changes to their services. He updated the Council on the Fairfield franchise and said that the Fairfield design was complete and the project could possibly be bid in June pending budget approval.

SWIMMING POOL PROJECT EASEMENT

Public Works and Engineering Director Hamilton reported that the easement for the Sanitary Sewer Extension Project for the City swimming pool was signed and will be recorded so that Roby's Grade and Drain can begin the work.

U.S. ARMY CORPS OF ENGINEERS

Hamilton said that the City Attorney will review a contract with the U.S. Army Corps of Engineers to study the raw water requirements for the City over the next several years. The contract will be presented to the Council at the next Council meeting.

TOWN CREEK INTERCEPTOR PROJECT

Hamilton updated the Council on the Town Creek Interceptor Project and said that the engineers were working to complete the final cost calculations. He also spoke about the approximate 10-1/2 acres of wetlands and recommended re-hiring Stantec Consulting Services, Inc., for approximately \$3,000.00 to do the necessary work to stay in compliance with the U.S. Army Corps of Engineers. **UPON MOTION OF COUNCILMAN SIMPSON, DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED TO HIRE STANTEC CONSULTING SERVICES, INC.**

CITY PLANTS TREES

Assistant City Administrator Green informed the Council that Phillip Grubbs, City Groundskeeper, had planted 250 trees in the Community Park with the help of Engineering Assistant Josh Cammack and personnel from the Recreation Department, Meter Department, Fire Department and Nelson County Jail. These trees will help restore the area where trees were lost during the Town Creek sewer line construction. Green commended the work of everyone who assisted with the project.

FLOW MONITORING AT WITHROW CREEK

Hamilton recommended continuing with the flow monitoring and televising project on the Withrow Creek sewer and engage Horizon Engineering to assist with the project with reports regarding sewer renovations for the next six months as part of the Sanitary Sewer Evaluation Study (SSES). **UPON MOTION OF COUNCILMAN ROYALTY, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED TO CONTRACT WITH HORIZON ENGINEERING FOR APPROXIMATELY \$18,000.**

SYMPSON LAKE REPORT

Mayor Heaton reported that the pumps had been turned on to help fill the lake since it had dropped twenty inches. Now that the City had about two inches of rainfall over the weekend, the pumps have been turned off. The lake is now only four inches low.

CEMETERY DEEDS

A cemetery deed was presented for Theresa Cissell and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN SIMPSON AND CARRIED BY A VOTE OF 6 TO 0, IT WAS APPROVED.**

EXECUTIVE SESSION PURSUANT TO KRS 61.810 (1)(b)

The Mayor said that the Council needed to go into Executive Session pursuant to KRS 61.810 (1)(b), to discuss the future acquisition or sale of real property. **UPON MOTION OF COUNCILMAN REED, DULY SECONDED BY COUNCILMAN ROYALTY AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL WENT INTO EXECUTIVE SESSION AT 8:20 P.M.**

UPON MOTION OF COUNCILMAN SHECKLES, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE COUNCIL CAME OUT OF EXECUTIVE SESSION AT 8:50 P.M.

The minutes will reflect that no official action was taken during the Executive Session.

ADJOURNMENT

Being no further business to discuss and **UPON MOTION OF COUNCILMAN LYDIAN, DULY SECONDED BY COUNCILMAN REED AND CARRIED BY A VOTE OF 6 TO 0, THE MEETING WAS ADJOURNED AT 8:55 P.M.**

CITY OF BARDSTOWN

ATTEST:

Bobbe Blincoe, City Clerk

J. Richard Heaton, Mayor